

**Terms and Conditions for Purchase Orders and Blanket Purchase Agreements
Awarded by Overseas Contracting Activities (updated through FAC 2001-23)
Non-Commercial Items**

FAR 52.252-2 Clauses Incorporated By Reference (FEB 1998)

This purchase order or BPA incorporates the following clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <http://www.arnet.gov/far> or, <http://farsite.hill.af.mil/search.htm> DOSAR clauses may be accessed at: <http://www.statebuy.gov/home.htm>

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1) CLAUSES

NUMBER	TITLE	DATE
52.204-7	Central Contractor Registration	OCT 2003
52.213-2	Invoices (if order is for subscriptions with advance payments)	APR 1984
52.213-4	Terms and Conditions – Simplified Acquisitions (Other Than Commercial Items)	MAY 2004
52.217-6	Options for Increased Quantity (if order contains options where the quantity is expressed as a percentage of the basic order quantity or as an additional quantity of a specific line item)	MAR 1989
52.217-8	Option to Extend Services (if order is for services and contains options)	NOV 1999
52.217-9	Option to Extend the Term of the Contract (if order is for services and contains options) Fill-in for paragraph (a): “the performance period of the order or within 30 days after funds for the option become available, whichever is later.” Fill-in for paragraph (c): _____ <i>[insert time frame]</i>	MAR 2000
52.225-14	Inconsistency Between English Version and Translation of Contract	FEB 2000
52.227-14	Rights in Data – General (if order involves the production, furnishing, or acquiring of data)	JUN 1987
52.227-17	Rights in Data – Special Works (if order is for the compilation or production of data for the Government’s own use)	JUN 1987
52.228-3	Workers’ Compensation Insurance (Defense Base Act) (if order is for services)	APR 1984
52.228-4	Workers’ Compensation and War Hazard Insurance (if order is for services)	APR 1984
52.232-24	Prohibition of Assignment of Claims	JAN 1986
52.232-36	Payment by Third Party (if payment will be made through the Governmentwide purchase card)	MAY 1999
52.233-1	Disputes Alternate I	JUL 2002 DEC 1991
52.237-2	Protection of Government Buildings, Equipment, and Vegetation (for services to be performed on USG installations)	APR 1984
52.242-17	Government Delay of Work (for supplies)	APR 1984
52.243-1	Changes – Fixed Price (for supplies) Alternate I (for services)	AUG 1987 APR 1984
52.245-4	Government-Furnished Property (Short Form) (for services when U.S. Government-furnished property is valued at \$100,000 or less)	JUN 2003
52.247-35	F.o.b. Destination, Within Consignee’s Premises (for supplies requiring inside delivery)	APR 1984

DEPARTMENT OF STATE ACQUISITION REGULATION (48 CFR Chapter 6) CLAUSES

NUMBER	TITLE	DATE
652.229-70	Excise Tax Exemption Statement for Contractors Within the United States (for supplies to be delivered to an overseas post)	JUL 1988
652.229-71	Personal Property Disposition at Posts Abroad	AUG 1999
652.237-71	Identification/Building Pass (for services where frequent and continuing access to Department of State facilities is required)	APR 2004
652.237-72	Observance of Legal Holidays and Administrative Leave (for services where performance will be on-site in a Department of State facility)	APR 2004
652.242-70	Contracting Officer’s Representative (if a COR will be named) Fill-in for	AUG 1999

	paragraph (b): "The COR is _____"	
652.242-71	Notice of Shipments (for overseas shipment of supplies)	JUL 1988
652.242-73	Authorization and Performance	AUG 1999
652.243-70	Notices	AUG 1999

The following clause is provided in full text, and is applicable for orders for services:

**DOSAR 652.228-71, Worker's Compensation Insurance (Defense Base Act) - Services (AUG 1999)
(DEVIATION)**

- (a) This clause supplements FAR 52.228-3 and FAR 52.228-4.
- (b) The contractor shall procure Defense Base Act (DBA) insurance pursuant to the terms of the contract between the Department of State and the Department's DBA insurance carrier unless the contractor has a DBA self-insurance program approved by the Department of Labor. The contractor shall submit a copy of the Department of Labor's approval to the contracting officer upon contract award. The current rate under the Department of State contract is [*contracting officer insert rate*] of compensation for services.
- (c) The Department of State has obtained a waiver of DBA coverage for contractor employees who are not citizens of, residents of, or hired in the United States, (i.e., local nationals or third country nationals). If any contractor employees are local nationals and/or third country nationals, the contractor shall provide such employees with worker's compensation benefits against the risk of work injury or death and assume liability toward the employees and their beneficiaries for war-hazard injury, death, capture, or detention as required by the laws of the country in which the employees are working, or by the laws of the employee's native country, whichever offers greater benefits. If contract performance takes place in a country where there are no local workers' compensation laws, the contractor shall procure Defense Base Act insurance covering those local national and/or third country national employees pursuant to the contract between the Department of State and the Defense Base Act insurance broker.
- (d) Section 16 of the State Department Basic Authorities Act (22 U.S.C. 2680a), as amended, provides that the Defense Base Act shall not apply with respect to such contracts as the Secretary of State determines are contracts with persons employed to perform work for the Department of State on an intermittent basis for not more than 90 days in a calendar year. "Persons" includes individuals hired by companies under contract with the Department. The Procurement Executive has the authority to issue the waivers for these individuals. For those employees, the contractor shall provide workers' compensation coverage against the risk of work injury or death and assume liability toward the employees and their beneficiaries for war-hazard injury, death, capture, or detention.
- (e) The contractor agrees to insert a clause substantially the same as this one in all subcontracts. Subcontractors shall be required to insert a similar clause in any of their subcontracts.
- (f) Should the rates for DBA insurance coverage increase or decrease during the performance of this contract, the Department shall modify this contract accordingly.
- (g) The contractor shall demonstrate to the satisfaction of the contracting officer that the equitable adjustment as a result of the insurance increase or decrease does not include any reserve for such insurance. Adjustment shall not include any overhead, profit, general and administrative expenses, etc.

(End of clause)